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In The
Supreme Court of the United States
No. 03-824

CINDY L. NAETHING

Petitioner,

-v.-

LEE COVINGTON, Director
AMERICAN GENERAL LIFE AND ACCIDENT
INSURANCE COMPANY, *et al.,*

Respondents.

On Petition For Writ of Certiorari to The
United States Court Of Appeals
For The Sixth Circuit

REPLY BRIEF FOR PETITIONER CINDY L. NAETHING

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REPLY BRIEF FOR APPELLANT

Appellees have stated that they paid the death benefit to Sandra Hampton in the amount of $15,048.43. on September 30,1991. But what they have neglected to mention is the fact that Sandra Hampton was not the legal beneficiary on that insurance policy at the time of Martin Hampton's death. That I was the beneficiary on that policy just four days before Martin's demise. The change form that was sent in illegally was provided in petitioner's complaint with the district court to show the obvious forgery on that policy.

Appellees seem to want to continue in justify and ignore their knowledge of knowing that appellant was indeed the beneficiary on these policies prior to Martin Hampton's death by using the Court rulings against me. Being well aware of why to this day I have never received the discovery entitled to. If petitioner would have received the discovery she was entitled to as being the beneficiary on the policies at one time before the fraud, she would of not have to live another eight, nine years of this nightmare. If there would have been a hearing or some sort of justice with the United States District Court or the United States Court of Appeals for this person to further prove her allegations, this would not be going On to this day.

It should be stressed and not overlooked in appellees responsive brief that their main and only defense is the previous court orders that can be easily used against me. As will be noticed also there is no defense as to why petitioner has not ever received the discovery she was entitled to. There is no defense or explanation as to why those policies and cancel checks have not been provided to any of these justices.When petitioner has provided proof of being the beneficiary at one time.

Is appellee ignoring and now trying to get out of the responsibility in not providing these documents in all of these years for me to prove the fraud issues. Are they completely just ignoring that in all of these briefs since the complaint filed on August 28,2001, there has been no mention of the communications with them since the year 1991 thru 2003. Are they ignoring that petitioner has much proof as to all of the conversations and forgetting that she was advised in Aug 1992 by an insurance agent who found Cindy Naething still active in computer as being beneficiary on policy 130009536 in the amount of $300.000. Are they just forgetting that this agent was communicating with me that the Company told him they intended in getting all the proper claim forms sent to me, so that I could receive my proceeds. How could this be ignored? A fact in August and September 1992. Once again facts that have not even been previously mentioned.

Yes, petitioner did file her complaint in the district court of Ohio in August 2001 because of no other alternative. And as explained in petitioners brief why the Ohio Department of Insurance was also named because of the misuse of their power and the misleading and representation on their behalf, and the participation they took in preventing me from obtaining these documents.

On page 6 of appellees brief stated the latest date mentioned anywhere in petitioners complaint is April 1994. Simply untrue. Once again overlooked and completely ignored issues. On page 21 thru 23 of appellants petition was further detail in some of the communications with the Ohio Department of Insurance. Is this all not just a grasping at straws to discredit a person that could not be more alone in all of this?

Further petitioner's complaint stated that there had been many communications in all these years that was far from ended in the year 1994. And further evidence to the facts. Communications that could have easily been proven. Evidently all of this was completely ignored by not only the justices but the defendants also.

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1. Petitioner would like to bring to the United States Supreme Courts attention incase it has not already been noticed that page 2 of appellees brief just had to bring to this courts attention the simple mistake made in petitioners brief about her appendix. With very good knowledge on their part that they have not exactly been competing with another attorney in all of these pleadings.

Overlooked or misapprehended one in appellees responsive brief is the critical issue of this being a fraud case. And have been aware of no later than the last of September 1991. At least on the one policy. With knowledge there was also another policy that had Cindy Naething as the beneficiary on, but has also been in all of these years involved in the cover up of this one. Instead of getting these proper claim forms sent to me like I was advised at the end of August 1992. Avoided and let this continue. No matter how hard I was also trying to communicate with them.

REASONS FOR ALLOWING THE PETITION

The eight questions presented in petitioners petition where very precise and to the point. The questions did identify legal error in the Sixth Circuits opinion. And it is not a matter of petitioner disagreeing with the state and federal court rulings below. It is a matter of the continuous cover up of corruption that has occurred for close to thirteen years now, mainly due process of law.

Appellees also know that this has been a classic case from the beginning that a person has been so disadvantage by the law. They themselves even questioned me a time or too. Why had the state department of insurance not done anything? Why did none of the investigators or attorneys you hired do any thing? And yes petitioner does allege that the district and appellate judges denied her of her constitutionally invested rights. And ignored the facts put before them that Cindy Naething at one time was once the beneficiary on these two insurance policies before the fraud. While she was begging them to at the least obtain these documents entitled to, as at one time being the beneficiary.

The petitioner strongly feels that the Sixth Circuit decisions where to protect these too entities against the truth coming out about the clear cover up in a fraud case by preventing petition any further procedures that where due to her. By not at the very least, requesting these documents to see whether her allegations where true or false. Petitioner feels the District and Appellate Courts took advantage of a somewhat helpless person in believing she would not be capable of pursuing these issues.

Even though petitioner as stated in her petition never expected these orders especially from the Sixth Circuit Court of Appeals. It is almost like any more, a person has had to become accustom to the injustice after twelve years of it. Another reason petitioner not only respectfully urges this honorable to see through the corruption that has occurred in this case of not only fraud, but the big time conspiracy that has taken place in preventing me from proving it. But hopes and prays some action is taken in putting a halt to it all. So that this person here can regain a normal life. A remedy well over do and deserved.

1. **The Sixth Circuit Incorrectly Affirmed The District Court's Determination That Petitioner's Claims Are Barred By The Doctrines Of Collateral Estoppel And Res Judicata.**

Petitioner not only had given examples of the conspiracies that where taken place in the 1995 Richland County Court action. The misrepresentation she had received by the lady at legal aid in her complaint with the district court. But the involvement the State Department of Insurance had in that case. One of the parties who forced me with no other alternative but to file that complaint in the courts in the first place. Because of not doing what they promised in March 1994. The trouble is then at that time petitioner was not aware in 1995 of the severity in the Ohio State Department of Insurance's involvement in this dragging out. Mainly with all the people continuing to advise me to keep contacting the State. Keep contacting the Company.

The Sixth Circuit District Court did error in its determination that the petitioner's claims are barred by doctrines of collateral estoppel and res judicata. As stated in petition on page eleven genuine issues of material fact remained for adjudication. And so far as the latches concerned, it has repeatedly held that mere lapse of time does not constitute latches. One last time petitioner was entitled to those documents she has been deprived of. The guaranteed invested property right so violated under the due process clause of the Federal Constitution Fourteenth Amendment.

Without rehashing over and over again what has already been provided in the petition that there was a person in desperate need of some justice in this case that a person has tried so many times to obtain. Each of these defendants knows as well as I do and the courts why this has continued and no one has put a halt to it.

Each of these defendants are also aware of all that has been done to me and why. They are aware of knowing this has been a severe violation of my civil, federal, and constitutionally invested rights according to the federal constitution that they have been involved in depriving me, but let it go as far as the District Court and then the Sixth Circuit Court of Appeals knowing they would more than likely get by with denying and not provide the courts with these documents. Also subverting the legal rights and protections quaranteed to all citizens.

And yes the Sixth Circuit has departed from the accepted and usual course of judicial proceedings. What else may this be called? First after ten years of injustice and petitioner bringing her complaint to the district court the judge dismisses her complaint untimely. Cut me completely off at a time of brutal need, no further procedures. As all explained in petition. Both of these justices ignored the fraud issues in this case. Ignored the fact petitioner was at one time beneficiary on these policies. Ignored the fact that petitioner did have more material evidence that could be provided. Denied petitioner any further procedures what so ever. Ignored their duties to me according to the constitution of laws. Federal Constitutional Rights.

Petitioner in this reply brief is only trying to get this honorable court to see that the responsive brief, the very unexpected responsive brief appellant received not until Wednesday morning Feb 11, 2004. In which did not leave appellant a whole lot of time to respond, and so desperate to receive some justice over this. Knowing that the sooner replied, the better. This reply brief is not to repeat what has already been said in petition. It is to defend the lies that I was not expecting to continue. Any one would have been able to see in all of these filings with the courts petitioner had been trying to not mention any of the communications with AGLA. They also know all the reasons why for this.

One last issue that does need responded to is the appellees stating petitioner has not alleged that the State of Ohio had any involvement whatsoever, in AGLA'S decision to pay Sandra Hampton the death benefits. No. 1. How could petitioner possibly know that answer? It is not like the State of Ohio would ever admit if they where involved in those proceeds being paid to the improper beneficiary. All petitioner knows for fact is she was the beneficiary on both of these policies. That the proceeds to that policy where paid to the improper beneficiary. Even though claims where made both with the Insurance Co. and the State Department of Insurance. Only they know what there communications where with each other. And of course all I was told later. Along with what ever happen to the proper claim forms I was to be provided on policy 130009536 in Aug 1992. Issue that cannot be denied and can be proven.

CONCLUSION

For all the foregoing reasons and reasons appellant had in her petition. Petitioner respectfully request that this Honorable Court except this Petition. And realize that every last allegation made could not be any closer to the truth of this case. That once again petitioner has not had the opportunity to further prove, like previous.

Respectfully submitted,

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